

U.S. ENVIRONMENTAL PROTECTION AGENCY
FINAL POLLUTION REPORT

I. HEADING

Date: May 16, 1994

From: Kevin Matheis, On-Scene Coordinator,
USEPA, REGION II

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M. Jon, EPA-HWFB
M. O'Toole, NYSDEC
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P. Simon, EPA
D. Fischer, EPA
I. Purdy, EPA-HWFB
R. Byrns, EPA-OIG
A. Rockmore, NYSDEC
TAT

Subject: Frontier Chemical Processes, Inc., Niagara Falls,
Niagara County, NY - Cyanides, Oxidizers, Flam-
mables, Corrosives, Halogenated and
Non-Halogenated Solvents

POLREP NO: Twenty-one (21) and Final

II. BACKGROUND

SITE/SPILL NO.: AY
D.O. NO.: 0026-02-036
RESPONSE AUTHORITY: CERCLA/SARA
NPL STATUS: Non-NPL
ERCS START DATE: December 22, 1992
ERCS COMPLETION DATE: May 16, 1994
PRP START DATE: September 30, 1993
UNILATERAL START DATE: November 5, 1993
PRP COMPLETION DATE: May 16, 1994
APPROVAL STATUS: Authorization of Funding from
Deputy Regional Administrator
STATUS OF INITIAL ACTION MEMO: Signed May 17, 1993
STATUS OF \$2 MILLION/12 MONTH
EXEMPTION ACTION MEMO: Signed March 30, 1994



III. RESPONSE INFORMATION

A. Situation

1. Frontier Chemical Processes, Inc. (the "Site") is a former hazardous waste processing facility located within a heavily industrialized section of Niagara County at 4226 Royal Avenue, Niagara Falls, New York. The Site was in operation until December 22, 1992.
2. The Site, founded in 1958, primarily engaged in three types of hazardous waste processing/management including wastewater treatment, fuels blending, and bulking for off-site disposal. During the years of peak operation approximately seventy-five (75) people were employed. When the site was closed by the U.S. Environmental Protection Agency (EPA) and New York State Department of Environmental Conservation (NYSDEC) on December 22, 1992, four personnel were operating and maintaining the Site. Frontier has not been a subject of high interest for the local citizens since the facility is not situated near residential dwellings.
3. As part of the Site's NYSDEC 373 Permit, Frontier paid money into the NYSDEC monitoring program for NYSDEC monitoring at the Site. The NYSDEC used full-time monitors for oversight of operations at Frontier for the last eight years. These monitors documented numerous instances of waste tracking and facility violations.
4. From information provided to EPA, it appears that Frontier is a wholly owned subsidiary of Environmental Service Associates, Inc., which is in turn a wholly owned subsidiary of Envirosure Management Corporation, Inc. There also exists a number of "sister corporations"; all do business under the name of "The Frontier Chemical Group" and are located at the same address. The sister corporations are Envirosure Marketing Corporation (the marketing arm of Frontier), Cataract Industrial Warehousing & Transportation, Inc. (associated with transportation requirements of Frontier), and Resource Recovery, Inc. (set-up for a marketing approach never realized and therefore never utilized). These corporations have traditionally acted as service components to Frontier, the only entity which holds the NYSDEC permits to operate a hazardous waste facility.
5. Between 1973 and 1984 the NYSDEC issued nine Consent Orders to Frontier which imposed monetary fines for regulatory violations.
6. During the early 1980's, as more restrictive regulations were implemented and available, the compliance capability of

Frontier became increasingly erratic. This led to the issuance of a NYSDEC Administrative Complaint in 1985 seeking termination of Frontier's permitted status. During this period, Frontier was purchased by EnviroSure Management Corporation which negotiated a resolution to the complaint.

7. In 1985 and 1986, eight Consent Orders dealing with historical violations, as well as current and past Site remediation concerns, were issued. These orders imposed substantial fines and required more operational controls at the site. These consent orders also required implementation of investigative/remedial plans for Frontier's previous, separate disposal site of wastewater treatment sludges. This previous, separate disposal site, is known as the Pendelton Site is located in Niagara County and is a part of the State's Inactive Hazardous Waste Site Registry.
8. In 1987, two Consent Orders were issued for Frontier's breach of remedial schedules at the inactive Pendelton Site, as well as for the current site's groundwater investigation. The company was fined and the dates of the compliance schedules were updated. Frontier subsequently breached the new schedule for the Pendelton site.
9. In 1988, NYSDEC Facility Monitors documented RCRA violations. Their record reviews led them to suspect that Frontier had intentionally violated the initial 1st third of EPA land bans in November, 1988 by falsely filing manifests. This illegal procedure involved the "redesignation" of drum waste received by the facility as F-coded material (required to be incinerated after November 7, 1986) to D-coded waste (which could still be landfilled). The NYSDEC Bureau of Environmental Conservation Investigations (BECI) and the Federal Bureau of Investigations (FBI) jointly investigated and confirmed the scheme which resulted in an indictment.
10. The indictment, against Frontier and it's sister and parent corporations, charged eighteen counts of records and manifest falsifications on eight manifests. The falsifications resulted in the landfilling of approximately forty drums which should have been incinerated. The investigation was unable to develop sufficient information to indict the principals of the corporation or any of its employees. The indictment was returned on February 13, 1990.
11. The RCRA violations of 1988 and 1989 were resolved by a Consent order issued on January 30, 1990, which imposed fines and required various operational/abatement measures.
12. On March 8, 1990, the EPA suspended Frontier from all

Federal procurement activities and the receipt of waste from CERCLA Removal Actions. As a result, Frontier's ownership/management decided to withdraw from the hazardous waste management business and offered the facility for sale with interested companies.

13. In response to Frontier's desire to sell, a Canadian Company, Rowe Consolidated Holdings (RCH), Inc., entered into both a Stock Purchase Agreement and a Management Agreement with the owners. A Stock Purchase Agreement would ultimately result in the termination of previous ownership. The Management Agreement would immediately terminate the day-to-day operational control of the previous ownership/management. The RCH group hired Gerry Norton to effectuate the turnaround of Frontier. RCH also petitioned EPA to lift its suspension.
14. The suspension was lifted by EPA on October 3, 1990, by way of Contract Compliance Agreement. This determination was based essentially upon the relinquishment of present and future control by Frontier.
15. In the summer of 1991, due to the unresolved indictment and subsequent downturn in client revenue, RCH decided to terminate its takeover. Apparently, Norton believed that the economic and compliance resurrection Frontier made good business sense and solicited another group of investors known as Eagle Vision, Inc., to replace RCH. Eagle Vision Inc., is a Colorado chartered, Florida based corporation. On August 13, 1991, Eagle Vision assumed Frontier from RCH via issuance of a new Stock Purchase Agreement and Management Agreement.

B. Actions Taken

1. On December 4, 1992, the NYSDEC Commissioner, Thomas C. Jorling signed a "Modification to Summary Abatement Order and Notice of Hearing" pertaining to the Site. Frontier responded to the NYSDEC that they waived their right to an hearing resulting in the order being equivalent to a civil judgement. In the Order, the State required Frontier to remove 250 drums from the Site and establish escrow accounts for security against non-payment of utility bills and employee salaries by December 22, 1992 or close the facility. The Order also enabled the NYSDEC to initiate an emergency removal action conducted by either the NYSDEC or EPA in the event that Frontier failed to met the terms of the Order.
2. On December 22, the OSC met with NYSDEC Regional personnel at the Site. He was briefed of the NYSDEC's intent to serve

Eaglevision Environmental (the Frontier management company) a notice of the NYSDEC Right to Invoke Action (RIA). The RIA is based upon Eaglevision's non-compliance of the terms of NYSDEC's Summary Abatement Order (December 4, 1992). The RIA stated that the NYSDEC and EPA were invoking their right to enter into the facility and initiate appropriate emergency removal actions. This RIA was signed by John Spagnoli, Regional Director of NYSDEC Region IX.

3. The NYSDEC and EPA met with Mr. John Trela, the plant manager. Mr. Trela stated that Eaglevision would not be able to comply with the terms of the Summary Abatement Order. The NYSDEC issued the RIA at that time and personnel at the Site were told by EPA to vacate the premises.
4. EPA immediately mobilized the ERCS contractor and provided 24-hour security. New locks were placed on the perimeter fence of the site, and all administrative buildings to ensure site security. The administrative buildings were the administrative offices for Eaglevision/Frontier and contain all the personnel and enforcement sensitive material. Custody seals were placed on all files as a safeguard against tampering. Only the EPA has the keys to the enforcement sensitive files.
5. The OSC coordinated the transfer of the Site POTW permit with the City of Niagara Falls wastewater treatment plant. EPA has maintained the permit during the drum action and will continue during the tank action.
6. Parallel to providing maintenance at the Site, EPA identified approximately 430 potentially responsible parties (PRPs) who had drums remaining at the Site. On May 20, 1993 EPA sent Notice Letters of Potentially Liability to these PRPs and asked the PRPs to enter into a Consent Agreement to undertake a drum and laboratory chemical removal action.
7. On September 30, 1993, the Consent Order became effective. On October 25, 1993, EPA approved the work plan submitted by the PRP-selected cleanup contractor. This contractor continued work on-site until December 26, 1993. The cleanup contractor was fired by the PRP group in February, 1993 and the PRP group hired a new contractor, Laidlaw Environmental. Laidlaw Environmental has performed the remainder of the drum action and shipped the last drums off-site on May 12, 1994. Complete field demobilization will be completed by May 18, 1994.
8. Since all drums have left the site, the ERCS contractor is no longer required to provide drum maintenance. Therefore, the completion for the site is May 16, 1994. All

maintenance work performed will be pursuant to the tank phase of the project. The tank phase will be outlined in the initial tank phase POLREP.

9. The PRPs for the drum action will continue to provide EPA with bi-weekly progress reports until all certificates of disposal are received for all drums that have been shipped from the site. The PRPs will then prepare a final report for EPA review.

C. Current Actions

1. From April 6 through May 12, 1994, the PRP contractor (Laidlaw) shipped 2,698 drums off-site to multiple disposal facilities. The OSC conducted a final inspection of the facility with the PRP contractor and designated coordinator on May 11, 1994.

E. Key Issues

None

IV. DISPOSITION OF WASTES:

<u>Loads</u>	<u># of Drums</u>	<u>Destination</u>	<u>Disposal</u>
19	1,350	Envotech, Belleville, MI	Landfill
5	523	Aptus, Aragonite, UT	Incin.
7	504	Aptus, Coffeyville, KS	Incin.
6	432	ThermalkEM, Rockhill, SC	Treatment
4	228	CyanoKEM, Detroit, MI	Treatment
2	6	NSSI, Houston, TX	Incin.
2	160	Omni, Sumter, SC	Incin.
10	635	Laidlaw, N. Andover, MA	*
2	2-30yd	Wayne Disposal, Canton, MI	Landfill

Note: * indicates that this facility is not the ultimate disposal facility. Drums will be rerouted to one or more of the following facilities:

Envotech, Belleville, MI
 E.I. Dupont, Deepwater, NJ
 LES, Roebuck, SC
 OSCO, Inc., Nashville, TN
 Ross Environmental, Grafton, OH
 Systech Environmental, Paulding, OH
 Rollins, Bridgewater, NJ

V. COST INFORMATION:

Note: The costs reflected in this POLREP include additional funding to ERCS, EPA, and TAT that were authorized on March 30, 1994. These costs reflect additional funding approved for maintenance of the facility, but do not reflect the funding authorized for the tank removal action. ERCS ceiling is increased from \$1,565,000 to \$2,434,000. EPA/TAT ceiling is increased from \$390,300 to \$816,300. Amounts listed in cost summary for ERCS summarizes obligated amounts. An additional \$200,000 was obligated to ERCS on April 25 for funding the drum maintenance. An initial POLREP will be generated for the tank phase.

(Previous Contractor)			
<u>Amount Obligated to ETI</u>		ETI Region II Contract Costs As of 12/17/93	Total Remaining
	\$ 1,135,000	\$ 1,130,000	\$ 5,000

Amount Obligated to Present Contract (OHM)	\$ 730,000	OHM Region II Contract costs as of 5/16/94 \$ 594,000	\$ 136,000
* EPA/TAT Costs	\$ 816,300	\$ 480,000	\$ 336,300
Site Totals	\$ 2,681,300	\$2,204,000	\$ 477,300

* Note \$ 241,700 funds from EPA and TAT were transferred into ERCS mitigation ceiling.

The above accounting of expenditures is an estimate based upon figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to the contractor(s). Other financial data, which the OSC must rely upon, may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

